




UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE DEPUTY SECRETARY

MEMORANDUM

DATE: July 22, 2011

TO: Sharon Mar, Desk Officer  
Office of Information and Regulatory Affairs  
Office of Management and Budget

THROUGH: ~~James Hyle~~ **Darrin A. King**  
Privacy, Information, and Regulatory Management Services (PIRMS)  
U.S. Department of Education

FROM: Ann Whalen   
Director, Policy and Program Implementation  
Implementation Support Unit  
U.S. Department of Education

SUBJECT: Emergency Clearance of Race to the Top – Early Learning Challenge Application

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The U.S. Department of Education's (ED) Office of the Deputy Secretary (ODS) has developed an application with the U.S. Department of Health and Human Services (HHS) for a new program, the Race to the Top – Early Learning Challenge (RTT-ELC). The Race to the Top–Early Learning Challenge program was authorized under the Department of Defense and Full-Year Continuing Appropriations Act, 2011, section 1832(b)(1), title VIII, Division B ( P.L. 112-10), which amends and provides funding under Section 14006 of the American Recovery and Reinvestment Act (ARRA). **We are requesting emergency approval of the RTT-ELC application by August 12, 2011.**

Race to the Top – Early Learning Challenge is a competitive grant program that ED and HHS will jointly administer. The purpose is two-fold – to improve the quality of early childhood programs and close the achievement gap for high-need children. The RTT-ELC grant competition focuses on improving early learning and development programs for young children by supporting States' efforts to: (1) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers enrolled in high-quality early learning programs; (2) design and implement an integrated system of high-quality early learning programs and services; and (3) ensure that

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States' use of child assessments conforms with the recommendations of the National Research Council's reports on early childhood.

ED is requesting emergency approval of the RTT-ELC application because: (1) the Continuing Appropriations Act, 2011, enacted on April 15, 2011, requires that the RTT-ELC funds be obligated by December 31, 2011; (2) the Continuing Appropriations Act, 2011, requires joint administration of RTT-ELC by ED and HHS, necessitating extensive inter-departmental consultations and clearances on the development of all program elements and the peer review process; (3) ED and HHS want to provide applicants with sufficient time – 60 days – in which to prepare and submit their RTT-ELC applications; and (4) ED and HHS must have sufficient time after applications are submitted to conduct the peer review process appropriately. Absent emergency approval, ED will not be able to meet the December 31<sup>st</sup> deadline. Accordingly, ED is requesting that the formal PRA comment period be waived.

Based upon the December 31, 2011 statutory deadline for making grant awards and because this is the first competition under the RTT-ELC statutory authority, ED also will be waiving notice and comment rulemaking for the RTT-ELC competition under the authority of section 437(d)(1) of the General Education Provisions Act. As an alternative method to receive public input on the structure of this competition, the Department posted the draft requirements, priorities, selection criteria, and definitions for the RTT-ELC on the Department website on July 1, 2011. The public was invited to provide input on the announcement of the program from May 25 through June 30 on the ED.gov Blog; a total of 199 responses were received. Six weeks later the draft Executive Summary, which included draft competition priorities, selection criteria, definitions, and requirements, was posted on the Department of Education's website, which allowed the public the opportunity to provide input to each section of the Executive Summary. From July 1 through July 11<sup>th</sup>, 349 opinions, suggestions, and comments were submitted, reflecting the viewpoints of a variety of early childhood, health, and education organizations, as well as States. Comments were posted to all sections of the draft selection criteria and priorities, as well as to the requirements and definitions sections of the draft executive summary.

If we are able to obtain emergency approval from OMB, ED and HHS intend to make applications available on the date that we publish the Notice Inviting Applications, which should be on August 17, 2011, with a 60-day period to apply.

Thank you for your prompt consideration of our request. If you have questions, please contact Ann Whalen at (202) 205-2474 or [ann.whalen@ed.gov](mailto:ann.whalen@ed.gov).